



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/616,809	07/14/2000	James Richard Wason	13679(END9-2000-0080US1)	6597

7590 12/23/2005  
Richard L Catania Esq  
Scully Scott Murphy & Presser  
400 Garden City Plaza  
Garden City, NY 11530

EXAMINER

CAMPBELL, JOSHUA D

ART UNIT PAPER NUMBER

2178

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/616,809

Applicant(s)

WASON, JAMES RICHARD

Examiner

Joshua D. Campbell

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 09/25/2005.
2. Claims 1-3 and 5-17 are pending in this case. Claims 1, 6, and 10 are independent claims. Claims 1, 6, 10, and 14-16 have been amended. Claim 4 has been cancelled and claim 17 has been newly added.
3. The rejection of claims 1-16 under 35 U.S.C. 103(a) as being unpatentable over Inala et al. (hereinafter Inala, US Patent Number 6,199,077, filed on June 1, 1999) in view of Kikinis (US Patent Application Publication Number 2002/0049833, filed on May 4, 1998) has been withdrawn due to amendments.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3 and <sup>5-17</sup>~~4~~-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Andrews et al. (hereinafter Andrews, US Patent Number 6,317,871, filed on July 17, 1998).

**Regarding independent claim 1**, Andrews discloses a method in which a plurality of templates having literal fragments of a text file is generated (column 7, line 65-column 9, line 50 of Andrews, examiner points to column 4, lines 1-60 for the definitions of the terms used in Andrews). A macro class exists in which maps data

from the text file to the computer application (column 7, line 65-column 9, line 50 of Andrews). A pointer to the macro class is embedded in one of the templates, that template being used as a prototype to generate a segment of an output file (column 7, line 65-column 9, line 50 of Andrews). When the pointer is reached in one of the templates, the pointer invokes the macro class and it uses the class to map data from one of the segments to the application and the macro invokes another template to further process the text file (column 7, line 65-column 9, line 50 of Andrews).

**Regarding dependent claim 2,** Andrews discloses a method in which the macros class reads a segment of the text file and uses the segment to initiate application update processing (column 7, line 65-column 9, line 50 of Andrews).

**Regarding dependent claim 3,** Andrews discloses a method in which the macros class derives data from the application and formats it into the text file (column 7, line 65-column 9, line 50 of Andrews).

**Regarding dependent claim 5,** Andrews discloses a method in which a controller is used that prevents structure clashes by placing text and data into appropriate places in a complex object structure as the text file is processed (column 7, line 65-column 9, line 50 of Andrews)

**Regarding dependent claim 14,** Andrews discloses a method in which the pointer that invokes the macro class also passes another template name, that template name is used invoke another template to process the text file (column 7, line 65-column 9, line 50 of Andrews).

**Regarding independent claim 6 and dependent claims 7-9 and 15**, the claims incorporate substantially similar subject matter as claims 1-3, 5, and 14. Thus, the claims are rejected along the same rationale as claims 1-3, 5, and 14.

**Regarding independent claim 10 and dependent claims 11-13 and 16**, the claims incorporate substantially similar subject matter as claims 1-3, 5, and 14. Thus, the claims are rejected along the same rationale as claims 1-3, 5, and 14.

**Regarding dependent claim 17**, Andrews discloses that the controller sets up a complex object structure and places the text data into that structure, and when the entire text file is processed that structure is used to process updating data into the application (column 7, line 65-column 9, line 50 of Andrews).

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-3 and 5-17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



STEPHEN HONG  
SUPERVISORY PATENT EXAMINER

JDC  
December 16, 2005